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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,977	10/20/2004	Wei-Cheng Lin	TW 020006	8927

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
GOLDMAN, MICHAEL H	
ART UNIT	PAPER NUMBER
3688	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/511,977	LIN ET AL.	
	Examiner	Art Unit	
	MICHAEL H. GOLDMAN	3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 October 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/8/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The following non-final, first action on the merits is in response to the initial filing on October 20, 2004. Claims 1-10, as originally filed, are currently pending and have been considered below.

Specification

2. The specification is objected to because of the following informalities: Reference to related applications is required.

Appropriate correction is required.

EXAMINER'S NOTE

3. It appears the Applicant is attempting to invoke 35 U.S.C. 112, 6th paragraph in Claim 9 by using "means-plus-function" language, such as "means for identifying", and "means for transmitting". In order to successfully invoke the sixth paragraph, a three-prong test must be met. Namely, (1) the claim must use means-plus-function language; (2) the claim itself must not provided structural limitations to the means-plus-function language; and (3) the specification must recite explicit physical structural limitations for the means-plus-function language in the claim. While the above claims pass the first two prongs of the three prong test, they do not pass the third prong. There is no explicit recitation in the specification of any physical structures to perform the functions of the means-plus-function limitations in the claims. The only "structure" for performing the

functions in the above claims appears to be computer program modules (i.e. virtual structure, not physical structure) in Figures 1, 2 and 3. Therefore, 35 U.S.C 112, 6th paragraph has not been successfully invoked. The Examiner will consider the means to perform the claimed functions as any means, physical or virtual, that can perform the function.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 5 and 8-10 are rejected under 35 U.S.C. 102(a) as being anticipated by Boyd (7107346).

Claims 1 and 8-10: Boyd discloses a system, method and apparatus of differentiating specific content in a web page displayed by a display device, comprising the steps of:

- Identifying and transmitting content in a web page with identification parameters comprised by predefined identification parameters (see abstract, lines 1-4 whereby a system and method are disclosed for distributing and presenting preferred data from a host server to a display device located at a remote premise through a communication network, examiner construes preferred data as differentiated specific

content, also see column 13, lines 22-24 whereby the display device may be configured to transfer one or more identifiers associated the particular display device, also see column 14, lines 54-56 whereby communication transfers a display control parameter to the display device);

- Computer readable medium having store instructions for causing a processing unit to execute the method (see FIG 3, EPROM #320 and RAM #322);

- means for identifying content and transmitting information about content to display device (see FIG 2, FIG 3 and FIG 4);

- computer readable medium having stored code for a web page, and identification parameters (see claim 16).

Claim 5: Boyd discloses the method in claim 1 above, and further discloses wherein identification parameters are comprise in code describing web page (see column 14, lines 52-58 whereby the identification parameters are transmitted, also see column 16, lines 22-28 whereby the means for transmitting the parameters is provided, examiner construes the means for as comprising in code the web page).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd (7107346) in view of Monteverde (7319975).

Claim 2: Boyd discloses the invention in claim 1 above, and further discloses wherein content is advertisements (see column 1, 32, advances for maintaining and updating advertisements and other public displays).

However Boyd fails to explicitly disclose the method wherein identification parameters identify the advertisers and the number of advertisers.

Monteverde discloses the features wherein identification parameters identify the advertisers and the number of advertisers (see column 5, line 60 whereby the method includes the feature of assigning advertiser identifiers, also see column 6, lines 7-8 whereby causing transmission of the information (identifiers) to customer's computer, examiner construes transmission of identifiers via embedded parameters).

Both Boyd and Monteverde disclose methods for the display of advertisements. Therefore, it would have been obvious to one skilled in the art at

the time to modify the Boyd method for displaying images to include the features of advertiser identities as taught by Monteverde in order to present specific advertisements to specific users, hence increasing the user's attention with information that is of interest to user.

Claim 3: Boyd and Monteverde disclose the method in claim 2 above, however fail to disclose the feature wherein predefined advertisers are business partners of the manufacturer of said display device. However, it would have been obvious for a person having ordinary skill in the art at the time to modify the method of Boyd to include the feature of advertisers as business partners with the manufacturer's of the display devices in order to maintain and improve control of content and format of displays via incentives to manufacturers of display device.

Claim 4: Boyd discloses the method in claim 1 above, however fails to disclose predefined advertisers have been defined according to user interests.

Monteverde discloses the features wherein predefined advertisers have been defined according to user interests (see column 1, lines 50-52 whereby a list of advertisers are represented to an user when user selects a key word or phrase, examiner construes user selection as user preference, also see column 1, line 61 whereby advertiser's enroll, examiner construes as predefined advertiser).

Both Boyd and Monteverde disclose methods for the display of advertisements. Therefore, it would have been obvious to one skilled in the art at the time to modify the Boyd method for displaying images to include the feature whereby predefined advertisers have been defined according to user interests as taught by Monteverde in order to present specific advertisements to specific users, hence increasing the user's attention with information that is of interest to user.

8. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd (7107346) in view of Schug (6339429).

Claim 6 and 7: Boyd discloses the method in claim 1 above, and further discloses display control via transmission of parameters via network (see FIG 4 whereby transceiver 414 forwards network parameters to display driver/display, 430/440, via micro-controller, 410.

However Boyd fails to explicitly disclose the features wherein the specific control of the functions of the display device such as coordinates with the web page and content differentiation.

Schug discloses the features of novel display alteration methods of electronic pictures and movies (display devices) via a variety of user and automated controls (see column 4, lines 8-14).

Both Boyd and Schug disclose methods for the display of advertisements. Therefore, it would have been obvious to one skilled in the art at the time to modify the Boyd method for displaying images to include the novel features of display alteration as taught by Schug in order to present specific advertisements to specific users, hence increasing the user's attention with information that is of interest to user.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barraclough et al. (6226031) discloses a video communication apparatus and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL H. GOLDMAN whose telephone number is (571)270-5101. The examiner can normally be reached on Monday thru Thursday 6:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mhg
March 11, 2008

/James W Myhre/
Primary Examiner, Art Unit 3688